

105TH CONGRESS
1ST SESSION

S. 856

To provide for the adjudication and payment of certain claims against the
Government of Iraq.

IN THE SENATE OF THE UNITED STATES

JUNE 9, 1997

Mr. ROBB introduced the following bill; which was read twice and referred to
the Committee on Foreign Relations

A BILL

To provide for the adjudication and payment of certain
claims against the Government of Iraq.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PAYMENT OF IRAQI CLAIMS.**

4 (a) VESTING OF ASSETS.—All nondiplomatic ac-
5 counts of the Government of Iraq in the United States
6 that have been blocked pursuant to the International
7 Emergency Economic Powers Act (50 U.S.C. 1701 et
8 seq.) shall vest in the President, and the President, not
9 later than 30 days after the date of the enactment of this
10 Act, shall liquidate such accounts. Amounts from such liq-

1 uidation shall be transferred into the Iraq Claims Fund
2 established under subsection (b).

3 (b) IRAQ CLAIMS FUND.—Upon the vesting of ac-
4 counts under subsection (a), the Secretary of the Treasury
5 shall establish in the Treasury of the United States a fund
6 to be known as the Iraq Claims Fund (hereafter in this
7 section referred to as the “Fund”) for payment of private
8 claims or United States Government claims in accordance
9 with subsection (c).

10 (c) PAYMENTS.—

11 (1) PAYMENTS ON PRIVATE CLAIMS.—Not later
12 than 2 years after the date of the enactment of this
13 Act, the Secretary of the Treasury shall make pay-
14 ment out of the Fund in ratable proportions on pri-
15 vate claims certified under subsection (e) according
16 to the proportions which the total amount of the pri-
17 vate claims so certified bear to the total amount in
18 the Fund that is available for distribution at the
19 time such payments are made.

20 (2) PAYMENTS ON UNITED STATES GOVERN-
21 MENT CLAIMS.—After payment has been made in
22 full out of the Fund on all private claims certified
23 under subsection (e), any funds remaining in the
24 Fund shall be made available to satisfy claims of the

1 United States Government against the Government
2 of Iraq determined under subsection (d).

3 (d) DETERMINATION OF VALIDITY OF UNITED
4 STATES GOVERNMENT CLAIMS.—The President shall de-
5 termine the validity and amounts of claims of the Govern-
6 ment of the United States against the Government of Iraq
7 which the Secretary of State has determined are outside
8 the jurisdiction of the United Nations Commission, and,
9 to the extent that such claims are not satisfied from funds
10 made available by the Fund, the President is authorized
11 and requested to enter into a settlement agreement with
12 the Government of Iraq which would provide for the pay-
13 ment of such unsatisfied claims.

14 (e) DETERMINATION OF PRIVATE CLAIMS.—

15 (1) AUTHORITY OF THE FOREIGN CLAIMS SET-
16 TLEMENT COMMISSION.—The Foreign Claims Settle-
17 ment Commission of the United States is authorized
18 to receive and determine, in accordance with sub-
19 stantive law, including international law, the validity
20 and amounts of private claims under this section.
21 The Commission shall complete its affairs in connec-
22 tion with the determination of private claims under
23 this section within such time as is necessary to allow
24 the payment of the claims under subsection (c)(1).

1 (2) APPLICABILITY.—Except to the extent in-
2 consistent with the provisions of this section, the
3 provisions of title I of the International Claims Set-
4 tlement Act of 1949 (22 U.S.C. 1621 et seq.) shall
5 apply with respect to private claims under this sec-
6 tion. Any reference in such provisions to “this title”
7 shall be deemed to refer to those provisions and to
8 this section.

9 (3) CERTIFICATION.—The Foreign Claims Set-
10 tlement Commission shall certify to the Secretary of
11 the Treasury the awards made in favor of each pri-
12 vate claim under paragraph (1).

13 (f) UNSATISFIED CLAIMS.—Payment of any award
14 made pursuant to this section shall not extinguish any
15 unsatisfied claim, or be construed to have divested any
16 claimant, or the United States on his or her behalf, of
17 any rights against the Government of Iraq with respect
18 to any unsatisfied claim.

19 (g) DEFINITIONS.—As used in this section—

20 (1) the term “Government of Iraq” includes
21 agencies, instrumentalities, and controlled entities
22 (including public sector enterprises) of that govern-
23 ment;

24 (2) the term “private claims” mean claims of
25 United States persons against the Government of

1 Iraq that are determined by the Secretary of State
2 to be outside the jurisdiction of the United Nations
3 Commission;

4 (3) the term “United Nations Commission”
5 means the United Nations Compensation Commis-
6 sion established pursuant to United Nations Secu-
7 rity Council Resolution 687, adopted in 1991; and

8 (4) the term “United States person”—

9 (A) includes—

10 (i) any person, wherever located, who
11 is a citizen of the United States;

12 (ii) any corporation, partnership, asso-
13 ciation, or other legal entity organized
14 under the laws of the United States or of
15 any State, the District of Columbia, or any
16 commonwealth, territory, or possession of
17 the United States; and

18 (iii) any corporation, partnership, as-
19 sociation, or other organization, wherever
20 organized or doing business, which is
21 owned or controlled by persons described
22 in clause (i) or (ii); and

23 (B) does not include the United States
24 Government or any officer or employee of the

- 1 United States Government acting in an official
- 2 capacity.

